

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Group Art Unit: 2143
Russell L. Couturier *et al.* Examiner: Nguyen, Phuoc, H.
Application No.: 10/531,221 Docket No. 10040239-3
Filed: October 28, 2005 Confirmation No. 7820
For: **Load Testing Methods And Systems With Transaction Variability And Consistency**

FIRST RESPONSE

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SMITH FROHWEIN TEMPEL
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Sir:

In response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on October 5, 2007, Applicants submit the following amendment and remarks.

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 5 of this paper.

It is not believed that extensions of time or fees for net addition of claims are required beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Agilent Technologies' Deposit Account No. 50-1078.

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically transmitted via EFS-WEB to the United States Patent and Trademark Office, on the date indicated below.

Date: 01/04/08

/Michael J. Tempel/

Signature - Michael J. Tempel